

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

07 CRIM 956

UNITED STATES OF AMERICA :

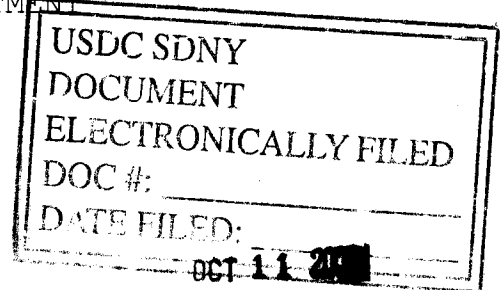
-v.- :

BRANDON BROWN, and :
SIDNEY SCOTT, :

Defendants. :

INDICTMENT

07 Cr.



JUDGE PRESKA

COUNT ONE

(Conspiracy to Commit Bank Fraud and Identity Fraud)

The Grand Jury charges:

1. From in or about November 2006, up to and including in or about December 2006, in the Southern District of New York and elsewhere, BRANDON BROWN and SIDNEY SCOTT, the defendants, and others known and unknown, unlawfully, willfully, and knowingly, did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Title 18, United States Code, Sections 1344, 1028(a)(7), and (b)(1)(D).

2. It was a part and an object of the conspiracy that BRANDON BROWN and SIDNEY SCOTT, the defendants, and others known and unknown, unlawfully, willfully, and knowingly, would and did, execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities and other property owned by, and under

the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations and promises, in violation of Title 18, United States Code, Section 1344.

3. It was a further part and an object of the conspiracy that BRANDON BROWN and SIDNEY SCOTT, the defendants, and others known and unknown, unlawfully, willfully and knowingly, would and did transfer, possess and use, without lawful authority, one and more means of identification of another person with the intent to commit, and to aid and abet, and in connection with, an unlawful activity that constitutes a violation of Federal law, to wit, bank fraud, a violation of Title 18, United States Code, Section 1344, and thereby did obtain things of value aggregating \$1,000 and more during a one-year period, in violation of Title 18, United States Code, Sections 1028(a)(7) and (b)(1)(D).

OVERT ACTS

4. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about November 27, 2006, BRANDON BROWN and SIDNEY SCOTT, the defendants, caused a withdrawal slip under the name and bank account number of another person ("Victim 1") to be presented at a teller window at a bank (the "Bank") and had \$5,000 withdrawn from Victim 1's bank account.

b. On or about December 4, 2006, BROWN and SCOTT caused a withdrawal slip under the name and bank account number of

Victim 1 to be presented at a teller window at the Bank and had \$3,000 withdrawn from Victim 1's bank account.

c. On or about December 4, 2006, BROWN and SCOTT caused a withdrawal slip under the name and bank account number of another person ("Victim 2") to be presented at a teller window at the Bank and had \$5,000 withdrawn from Victim 2's bank account.

d. On or about December 12, 2006, BROWN and SCOTT caused a withdrawal slip under the name and bank account number of another person ("Victim 3") to be presented at a teller window at the Bank and had \$4,000 withdrawn from Victim 3's bank account.

e. On or about December 12, 2006, BROWN and SCOTT caused a withdrawal slip under the name and bank account number of another person ("Victim 4") to be presented at a teller window at the Bank and had \$3,000 withdrawn from Victim 4's bank account.

f. On or about December 12, 2006, BROWN and SCOTT caused a withdrawal slip under the name and bank account number of another person ("Victim 5") to be presented at a teller window at the Bank and had \$3,000 withdrawn from Victim 5's bank account.

(Title 18, United States Code, Section 371.)

COUNT TWO

(Bank Fraud)

The Grand Jury further charges:

5. From in or about November 2006, up to and including in or about December 2006, in the Southern District of New York and elsewhere, BRANDON BROWN and SIDNEY SCOTT, the defendants,

unlawfully, willfully and knowingly did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations and promises, to wit, BROWN and SCOTT, the defendants, caused withdrawal slips in the names and account numbers of other persons to be presented at the branch of the Bank located on East 149th Street, Bronx, New York, and, through fraud and deceit, had money withdrawn from various accounts of the Bank.

(Title 18, United States Code, Sections 1344 and 2.)

COUNT THREE

(Identity Fraud)

The Grand Jury further charges:

6. From in or about November 2006, up to and including in or about December 2006, in the Southern District of New York and elsewhere, BRANDON BROWN and SIDNEY SCOTT, the defendants, unlawfully, willfully and knowingly, did transfer, possess and use, without lawful authority, one and more means of identification of another person with the intent to commit, and to aid and abet, and in connection with, an unlawful activity that constitutes a violation of Federal law, to wit, bank fraud, a violation of Title 18, United States Code, Section 1344, and

thereby did obtain things of value aggregating \$1,000 and more during a one-year period, to wit, BROWN and SCOTT used the names and bank account numbers of Victims 1-5 to commit the bank fraud charged in Count Two of this Indictment and had a total of more than \$1,000 withdrawn from their bank accounts.

(Title 18, United States Code, Sections 1028(a)(7),

(b)(1)(D), and 2.)

COUNT FOUR

(Aggravated Identity Theft)

The Grand Jury further charges:

7. From in or about November 2006, up to and including in or about December 2006, in the Southern District of New York and elsewhere, BRANDON BROWN and SIDNEY SCOTT, the defendants, unlawfully, willfully and knowingly, did transfer, possess and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Section 1028A(c), to wit, BROWN and SCOTT used the names and bank account numbers of Victims 1-5 to commit the bank fraud charged in Count Two of this Indictment.

(Title 18, United States Code Section 1028A and 2.)

FORFEITURE ALLEGATION

AS TO COUNTS ONE THROUGH FOUR

8. As a result of committing the offenses alleged in Counts One Through Four of this Indictment, BRANDON BROWN and SIDNEY SCOTT, the defendants, shall forfeit to the United States

pursuant to 18 U.S.C. § 982, any property constituting or derived from proceeds obtained directly or indirectly as a result of the offenses charged in this Indictment.

Substitute Asset Provision

9. If any forfeitable property, as a result of any act or omission of the defendants:

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third person;

(3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 982(b), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981(a)(1)(C); Title 28, United States Code, Section 2461; Title 21, United States Code, Section 853(p).)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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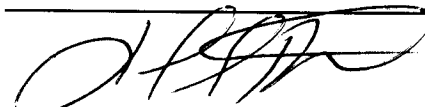
INDICTMENT

07 Cr.

(18 U.S.C. §§ 371, 1344, 1028(a)(7),
(b)(1)(D), 1028A, 2, 981(a)(1)(C); 28
U.S.C. § 2461; 21 U.S.C. § 853(p).)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

 Foreperson.

10/11/07

Pld Ind Pat 11-1-87 This case
is assigned to Judge Becker for
all purposes A/W ordered

ptg Judge White